Attorney's Docket No.: 11926-015002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

applicant: Vincent P. Stanton, Jr.

Art Unit

Serial No.: 09/963,333

Examiner:

Filed

: September 24, 2001

Title

: THYMIDYLATE SYNTHASE GENE SEQUENCE VARIANCES HAVING

UTILITY IN DETERMINING THE TREATMENT OF DISEASE

Commissioner for Patents Washington, D.C. 20231

DECLARATION REGARDING INCORPORATION BY REFERENCE

Applicant hereby declares that the Sequence Listing appended hereto consists of the same sequence information incorporated by reference in the application by reference to the GenBank® Identifier for each sequence.

The sequence of SEQ ID NO:1 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number X02308 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number X02308 is assigned to the version identifier GI:37478. Appendix D attached hereto is a printout from the GenBank® database of GenBank® Accession Number X02308 [GI:37478]. According to the GenBank® database, this sequence has not been updated since April 21, 1993.

The sequence of SEQ ID NO:2 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number D00517 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number D00517 is assigned to the version identifier GI:220133. Appendix E attached hereto is a printout from the GenBank® database of

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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Page : 2

GenBank® Accession Number D00517 [GI: 220133]. According to the GenBank® database, this sequence has not been been updated since April 29, 1993.

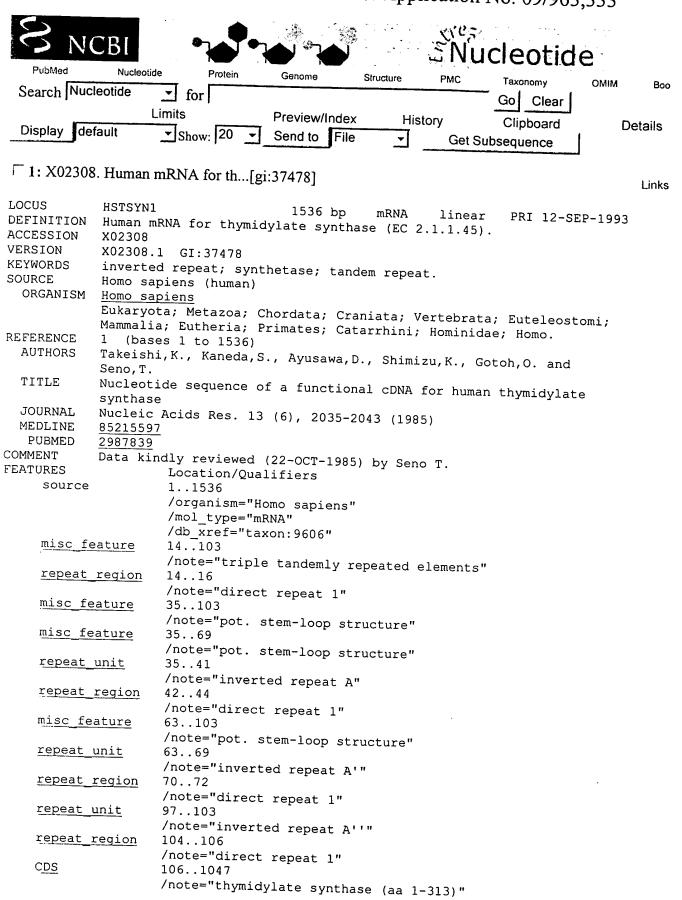
The sequence of SEQ ID NO:3 in the appended Sequence Listing is the same as that associated with GenBank® Accession Number D00596 on July 20, 1998, the filing date of U.S. Serial No. 60/093,484, from which the present application claims priority. This particular version of GenBank® Accession Number D00596 is assigned to the version identifier GI: 220135. Appendix F attached hereto is a printout from the GenBank® database of GenBank® Accession Number D00596 [GI: 220135]. According to the GenBank® database, this sequence has not been updated since April 29, 1993.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date	Vincent P. Stanton, Jr.
	The state of the s

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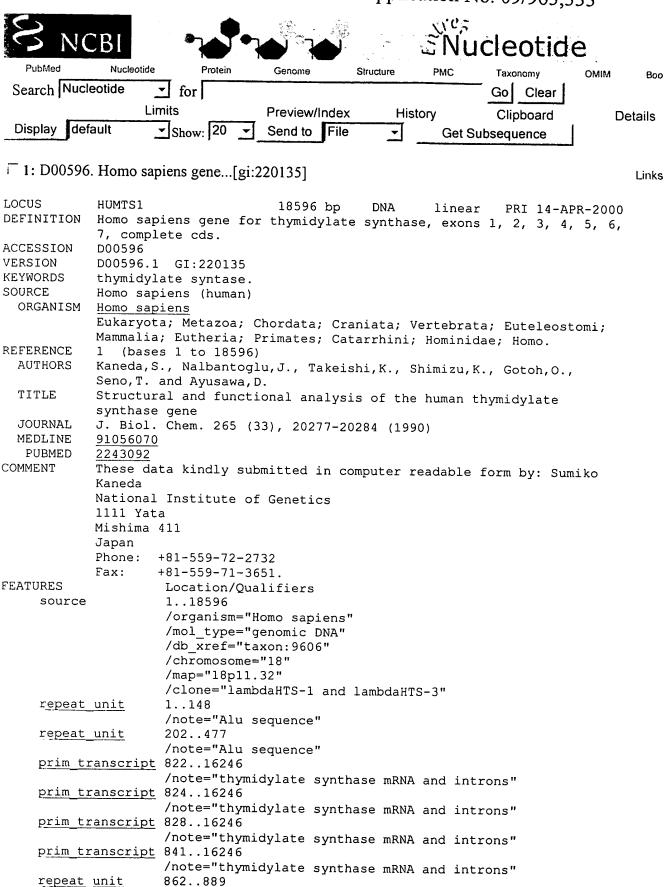


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Mar 17 2003 10:55:57

Appendix F for Declaration for U.S. Application No. 09/963,333



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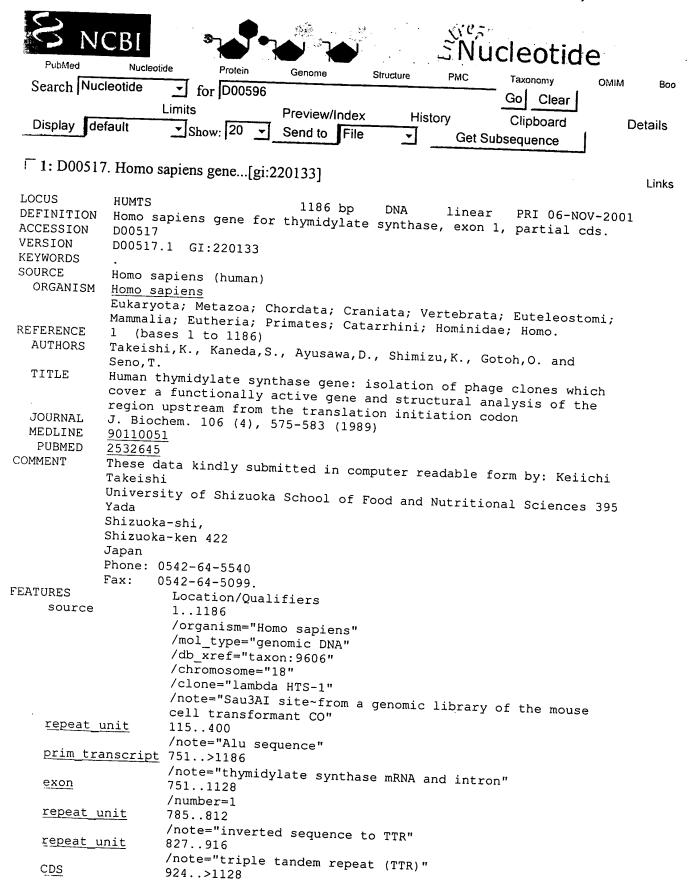
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